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EXAMINER

LY, NGHI H

ART UNIT PAPER NUMBER

2686

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/597,016

Applicant(s)

HONG ET AL.

Examiner

Nghi H. Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada et al (US 6,301,514) in view of Fiorletta (US 5,289,160).

Regarding claim 1, Canada teaches a polling method for use in communicating information from a wireless transceiver unit to a wireless base unit (see column 1 lines 15-23), the polling method comprising: receiving an information request message over a wireless communication channel (see column 9, lines 30-43 and column 10, lines 36-57 and column 15, lines 45-63), sending information in response to the information request message (also see column 10, lines 36-57 and column 15, lines 45-63).

Canada does not specifically disclose repeating the receiving and sending on a regular basis.

Fiorletta teaches repeating the receiving and sending on a regular basis (see column 8, lines 62-67, column 14, lines 4-10 and column 9, lines 57-61).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Fiorletta into the system of Canada in order to warn a driver of a vehicle of low pressure in one or more of it's tires so that

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the driver may take corrective action before a tire blowout occurs (see Fiorletta, Abstract).

Regarding claim 9, claim 9 is rejected with a similar reason as set forth in claim 1 above.

3. Claims 2, 3, 5, 8, 10, 11 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada et al (US 6,301,514) in view of Fiorletta (US 5,289,160) and further in view of Chikuma (JP353068103A).

Regarding claim 2, the combination of Canada and Fiorletta teaches claim 1.

The combination of Canada and Fiorletta does not specifically disclose polling is initiated in response to a detected problem.

Chikuma teaches polling is initiated in response to a detected problem (see Abstract).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Chikuma into the system of Canada and Fiorletta in order to transmit the accumulated data.

Regarding claim 3, claim 3 is rejected with a similar reason as set forth in claim 2 above.

Regarding claim 5, claim 5 is rejected with a similar reason as set forth in claim 2 above.

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Regarding claim 8, Canada further teaches the information request message comprises data indicative of a requested information type and the information sent corresponds to the requested information type (see column 9 lines 30-43).

Regarding claim 10, claim 10 is rejected with a similar reason as set forth in claim 2 above.

Regarding claim 11, claim 11 is rejected with a similar reason as set forth in claim 2 above.

Regarding claim 14, claim 14 is rejected with a similar reason as set forth in claim 2 above.

Regarding claim 15, Canada further teaches receiving the information from each one of the wireless transceiver units at random points in time (see abstract, "the system is communicating at any given time").

Regarding claim 16, Canada further teaches sending the polling request message comprises broadcasting it for receipt by a plurality of wireless transceiver units (see column 9, lines 30-43), the polling method further comprising: receiving information from each one of the wireless transceiver units at random points in time over a shared channel (see column 14, lines 14-17).

Regarding claim 17, claim 17 is rejected with a similar reason as set forth in claim 8 above.

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4. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada et al (US 6,301,514) in view of Fiorletta (US 5,289,160) and further in view of Japan Radio Co LTD (JP 10303796A).

Regarding claim 4, the combination of Canada and Fiorletta teaches claims 1 and 9. The combination of Canada and Fiorletta does not specifically disclose detecting a communication failure on traffic channel, and initiating the repeated receiving and sending in response to detecting the communication failure.

Japan Radio Co LTD (JP 10303796A) teaches detecting a communication failure on traffic channel, and initiating the repeated receiving and sending in response to detecting the communication failure (see Title and Abstract).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Japan Radio Co LTD (JP 10303796A) into the system of Canada and Fiorletta in order to improve communication efficiency in communication system (see Advantage of Japan Radio Co LTD (JP 10303796A)).

Regarding claim 12, claim 12 is rejected with a similar reason as set forth in claim 4 above.

5. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada et al (US 6,301,514) in view of Fiorletta (US 5,289,160) and further in view of Page et al (US 6,594,284).

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Regarding claim 6, the combination of Canada and Fiorletta teaches claim 1.

The combination of Canada and Fiorletta does not specifically disclose delaying a random period of time prior to sending the information.

Page teaches delaying a random period of time prior to sending the information (see Abstract, column 2, lines 35-41 and column 7, line 64 to column 8, line 18).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Page into the system of Canada and Fiorletta in order to centralize equalization of delays from a plurality of network nodes to a central controller.

Regarding claim 7, claim 7 is rejected with a similar reason as set forth in claim 6 above.

6. Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Canada et al (US 6,301,514) in view of Fiorletta (US 5,289,160) and further in view of Serikawa et al (US 6,347,092) and Chikuma (JP353068103A).

Regarding claim 13, the combination of Canada and Fiorletta teaches a polling method for use in communicating information from a wireless transceiver unit to a wireless base unit (see Canada, abstract and column 1, lines 15-23), the polling method comprising: detecting that a communication failure involving a wireless transceiver unit has occurred (see Canada, column 14, lines 53-56 and column 16, lines 18-48).

The combination of Canada and Fiorletta does not specifically disclose tearing down a data traffic channel used by the transceiver unit in response to detecting.

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Serikawa teaches tearing down a data traffic channel used by the transceiver unit in response to detecting (see column 36, lines 49-58 and see column 19, lines 17 to column 20, lines 1. In addition, see Applicant's remarks dated 07/26/2004, page 13, lines 13-14).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Serikawa into the system of Canada and Fiorletta in order to prevent collision (see Serikawa, column 36, lines 49-58).

The combination of Canada, Fiorletta and Serikawa does not specifically disclose initiating the repeated receiving and sending in response to detecting that the communication failure has occurred.

Chikuma teaches initiating the repeated receiving and sending in response to detecting that the communication failure has occurred (see Abstract).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Chikuma into the system of Canada, Fiorletta and Serikawa in order to rationalized the data processing by transmit the accumulated data (see Chikuma's purpose).

7. Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada et al (US 6,301,514) in view of Serikawa et al (US 6,347,092) and further in view of Chikuma (JP353068103A).

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Regarding claim 18, Canada teaches a polling method for use in communicating information from a wireless transceiver unit to a wireless base unit (see abstract and column 1, lines 15-23), the polling method comprising: detecting that a power failure involving a wireless transceiver unit has occurred (see column 14, lines 53-56 and column 16, lines 18-48).

Canada does not specifically disclose tearing down a data traffic channel used by the transceiver unit in response to detecting.

Serikawa teaches tearing down a data traffic channel used by the transceiver unit in response to detecting (see column 36, lines 49-58 and see column 19, lines 17 to column 20, lines 1. In addition, see Applicant's remarks dated 07/26/2004, page 13, lines 13-14).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Serikawa into the system of Canada in order to prevent collision (see Serikawa, column 36, lines 49-58).

The combination of Canada and Serikawa does not specifically disclose polling the wireless transceiver unit for information in response to detecting that the power failure has occurred.

Chikuma teaches polling the wireless transceiver unit for information in response to detecting that the power failure has occurred (see Abstract).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Chikuma into the system of

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Canada and Serikawa in order to rationalized the data processing by transmit the accumulated data (see Chikuma's purpose).

Regarding claim 19, Canada further teaches polling comprises polling for information on a periodic basis (see column 16, lines 18-22).

Regarding claim 20, Canada further teaches polling comprises sending an information request message to the wireless transceiver unit over a control channel (see column 9, lines 30-43 and column 10, lines 45-57).

Regarding claim 21, Canada further teaches polling comprises sending an information request message (see column 9, lines 30-43) to the wireless transceiver unit and receiving information from the wireless transceiver unit, if available, in response to sending the information request message (see column 10, lines 36-44).

8. Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada et al (US 6,301,514) in view of Japan Radio Co LTD (JP 10303796A).

Regarding claim 22, Canada teaches a polling method for use in communicating information from a plurality of wireless transceiver units to a wireless base unit (see fig.1 and see column 10, lines 21-56), the wireless transceiver units and wireless base unit having one or more data traffic channels available for communicating high speed data there between (see fig.1).

Canada does not specifically disclose detecting, on a data traffic channel, a communication failure involving a wireless transceiver unit, and polling the wireless

transceiver unit for information in response to detecting the communication failure on the data traffic channel.

Japan Radio Co LTD (JP 10303796A) teaches detecting, on a data traffic channel, a communication failure involving a wireless transceiver unit, and polling the wireless transceiver unit for information in response to detecting the communication failure on the data traffic channel (see Title and Abstract).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Japan Radio Co LTD (JP 10303796A) into the system of Canada in order to improve communication efficiency in communication system (see Advantage of Japan Radio Co LTD (JP 10303796A).

Regarding claim 23, Canada further teaches polling comprises polling for information on a periodic basis (see column 16, lines 18-22).

Regarding claim 24, Canada further teaches polling comprises sending an information request message to the wireless transceiver unit over a control channel (see column 9, lines 30-43 and column 10 lines 45-57).

Regarding claim 25, Canada further teaches polling comprises sending an information request message to the wireless transceiver unit; and receiving information from the wireless transceiver unit, if available, in response to sending the information request message (see column 9, lines 30-43 and column 10, lines 36-44).

9. Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada et al (US 6,301,514) in view of Poisner (US 6,108,785).

Regarding claim 26, Canada teaches a polling method for use in communicating information from a plurality of wireless transceiver units to a wireless base unit (see fig.1 and see fig.2, antenna 406 for wireless connection), the wireless transceiver units and wireless base unit having a broadcast channel available there between (also see fig.1), the polling method comprising: sending an information request message over a broadcast channel for receipt by a plurality of wireless transceiver units (see column 10, lines 36-57 and column 15, lines 45-63), and receiving information from each available wireless transceiver unit at random points in time (column 14, lines 14-17, see "at any time") over a shared channel (see column 11, lines 48-51).

Canada does not specifically disclose receiving information in response to sending the information request message (see column 9, lines 30-43).

Poisner teaches receiving information in response to sending the information request message (see column 3, lines 59-67).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Poisner into the system of Canada in order to prevent unauthorized usage of device.

Regarding claim 27, Canada further teaches the information comprises status information (see column 10, lines 36-44).

Regarding claim 28, claim 28 is rejected with a similar reason as set forth in claim 26 above.

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10. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada et al (US 6,301,514) in view of Page et al (US 6,594,284).

Regarding claim 29, Canada teaches a polling method for use in communicating information from a wireless transceiver unit to a wireless base unit (see fig.1), the polling method comprising: receiving an information request message over a broadcast channel (see column 9, lines 30-43 and column 10 lines 45-57), delaying (see column 14, lines 23-31) for a random of time (column 14, lines 14-17, see "at any time", and sending information corresponding to the information request message (see column 9, lines 30-43) over a shared channel after delaying (see column 12, lines 47-51, column 10, lines 36-57 and column 15, lines 45-63) .

Canada does not specifically disclose delaying for a period of time in response to receiving the information request message.

Page teaches delaying for a random period of time in response to receiving the information request message (see Abstract, column 2, lines 35-41 and column 7, line 64 to column 8, line 18)

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Page into the system of Canada in order to centralize equalization of delays from a plurality of network nodes to a central controller.

Regarding claims 30, Canada further teaches the information comprises status information (see column 10, lines 36-44 and column 15, lines 37-40).

Regarding claim 31, claim 31 is rejected with a similar reason as set forth in claim 29 above.

Response to Arguments

11. Applicant's arguments filed 03/16/2005 have been fully considered but they are not persuasive.

On page 3 of applicant's remarks, applicant argues that there is no motivation to combine Canada and Fiorletta.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is **some teaching**, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to do so found in the references themselves in order to warn a driver of a vehicle of low pressure in one or more of it's tires so that the driver may take corrective action before a tire blowout occurs (see Fiorletta, Abstract). In addition, the reason one can combine Canada and Fiorletta since both Canada and Fiorletta teach monitoring defects, such as monitoring the physical characteristic associated with a machine for defects (Canada, see column 1, lines 16-45) and monitoring tires for defects (see Fiorletta, column 1, lines 5-10).

On page 4 of applicant's remarks, applicant argues that Canada and Fiorletta does not teach delay a random period of time prior to sending a message.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Page teaches delay a random period of time prior to sending a message (not Canada and Fiorletta), and the combination of Canada and page indeed teaches applicant's claimed invention.

On page 4 of applicant's remarks, applicant argues that the entire Chikuma reference is one single English language sentence that does not provide sufficient information to even qualify as an enabling disclosure and Chikuma does not teaches wireless.

The examiner, however, disagrees. Chikuma does indeed teach applicant's claimed limitation (see rejection of claims 2, 3, 5, 8, 10, 11 and 14-17 above) with the broadest reasonable interpretation because applicant's claimed limitation does not provide sufficient information. In addition, see Canada's Abstract for the teaching of wireless, and the combination of Canada, Fiorletta and Chikuma does indeed teach applicant's claimed invention.

On pages 5 and 7 of applicant's remarks, applicant argues that the reference does not imply receiving data at random times.

The examiner, however, disagrees. Canada does indeed teach applicant's claimed limitation (see Canada, Abstract, "the system is communicating at any given time").

On page 5 of applicant's remarks, applicant further argues that nothing in Chikuma suggest any motivation to combine the references in the manner suggested in the Office Action.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is **some teaching, suggestion, or motivation** to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to do so found in the references themselves: *in order to rationalized the data processing by transmit the accumulated data* (see Chikuma's purpose). In addition, applicant's attention is directed to the rejection of claims 18-21 above.

On pages 5 and 6 of applicant's remarks, applicant further argues that the combination of references (such as the Japan Radio Co. LTD, JP10303796A) do not suggest detecting a communication failure on a data traffic channel and polling the wireless transceiver unit for information in response to detecting the failure.

The examiner, however, disagrees. Japan Radio Co. LTD, JP10303796A does indeed teaches applicant's claimed invention (Japan Radio Co. LTD, JP10303796A,

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see Title, "Polling method in VSAT satellite communication system involves transmission of dummy data and monitoring control signal to main station, when failure is detected..."). In addition, applicant's attention is directed to the rejection of claims 22-25 above.

On page 6 of applicant's remarks, applicant further argues that Poisner does not teach wireless technology and it does not suggest the claimed invention.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Canada teaches wireless (see Canada' Abstract) and the combination of Canada and Poisner does indeed teach applicant's claimed invention.

In addition, applicant's attention is directed to the rejection of claims 26-28 above.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571) 272-7911. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly

NH Ly
06/28/05

Marsha D Banks-Harold

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